IOWA STATE BAR ASSOCIATION
Official Form No. 27A. (Short Form) (Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

CW

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:

FILED NO. 1231
BOOK 32 PAGE 301
1978 DEC 15 PM 2:22
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 3 00

STATE OF IOWA }
MADISON COUNTY } ss.

The undersigned first being duly sworn (or affirmed) upon oath deposes and states:

That DANIEL W. CUNNINGHAM and KATHY E. CUNNINGHAM

are now the record titleholders of the following described real estate situated in Madison County, to-wit:

The South 4 Rods of the West 10 Rods of the Northeast Quarter (¼) of the Southwest Quarter (¼) of Section Twenty-nine (29) in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa

That said DANIEL W. CUNNINGHAM and KATHY E. CUNNINGHAM are now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real esaate, its titleholders and its parties in possession; and is for the purpose of confirming title to the above described real estate under the provisions of Section 614.17, Code of Iowa, and other statutes relative thereto. That the legal description contained in the Warranty Deed from Roy Folwell to Vernon Coffman and K. Jean Coffman, recorded March 26, 1960, in Madison County Deed Record 90 on page 108 is in error insofar as it includes any portion of the above described property; and that the predecessors in title of Daniel W. Cunningham and Kathy E. Cunningham have had sole possession and control of the above described property for over at least 40 years to their root of title.

That wherever in the chain of title to the above described property the names J. C. Gillogly and James Clyde Gillogly appear, and that wherever in the chain of title to the above described property the names Elton Faux and Elton T. Faux appear, they, respectively, refer to one and the same person.

Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 13th day of December 1978.

Daniel W. Cunningham, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 13th day of December, 1978.

G. Stephen Walters, Notary Public in and for the State of Iowa

STEPHEN WALTERS NOTARY PUBLIC IOWA

POWER OF ATTORNEY

The undersigned owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the County Recorder of the County wherein said land is situated as the authorized attorney in fact to file same.

If the Power of Attorney is granted by a Corporation attach corporate acknowledgment (Official Form No. 12).

Daniel W. Cunningham, Owner in Possession

Please type or print names under signatures as per Code Section 335.2

STATE OF IOWA, MADISON COUNTY, ss:

On this 13th day of December, 1978, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel W. Cunningham, to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

G. Stephen Walters, Notary Public in and for the State of Iowa

STEPHEN WALTERS NOTARY PUBLIC IOWA

The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

MARGINAL ENTRY

STATE OF IOWA, COUNTY OF MADISON, ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said affidavit or by his attorney in fact as shown by the records; and duly recorded and entered on the records thereon on the 15 day of December, 1978.

Mary E. Welty, Recorder.

Authority: Tendell v. Hanes
248 Iowa 43 (1957)
82 NW(2d) 119.